

January 1995

POLICE CORRUPTION AND THE NEED FOR LEADERSHIP

Patrick V. Murphy

Follow this and additional works at: https://digitalcommons.nyls.edu/nyls_law_review



Part of the [Law Commons](#)

Recommended Citation

Patrick V. Murphy, *POLICE CORRUPTION AND THE NEED FOR LEADERSHIP*, 40 N.Y.L. SCH. L. REV. 65 (1995).

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Law Review by an authorized editor of DigitalCommons@NYLS.

SPEECH

POLICE CORRUPTION AND THE NEED FOR LEADERSHIP*

PATRICK V. MURPHY**

The dramatic revelations of the Mollen Commission,¹ and the attendant news media coverage of corruption, brutality, and other serious misconduct,² as well as the failures of internal controls, could leave several impressions: that police corruption is inevitable, that reforms cannot be institutionalized, and that the same serious failures return every

* Mr. Murphy delivered these remarks at a symposium sponsored by the New York Law School Law Review in conjunction with the New York Law School Center for New York City Law on March 30, 1995 entitled *Police Corruption, Municipal Corruption: Cures at What Costs?*

** Director, Police Policy Board, United States Conference of Mayors, Washington, D.C.

1. The Mollen Commission, created by Mayor David N. Dinkins on July 24, 1992, was a twenty-two month investigation into the corruption of the New York City Police Department. The investigation also evaluated the Police Department's procedures in preventing and detecting corruption, and recommended changes to maximize the prevention of corruption. N.Y. CITY COMM'N TO INVESTIGATE ALLEGATIONS OF POLICE CORRUPTION AND THE ANTI-CORRUPTION PROC. OF THE POLICE DEP'T, COMM'N REP., at 1-109 (July 7, 1994) (Milton Mollen, Chair) [hereinafter MOLLEN COMM'N REP.].

2. See, e.g., Rick Bragg, *Blue Wall of Silence: Graft Shielded Behind Old Code*, N.Y. TIMES, Apr. 26, 1994, at B1; George James, *Sergeant Charged in Police Corruption Case*, N.Y. TIMES, May 27, 1994, at B3; Clifford Krauss, *Five Brooklyn Officers Suspected of Drug Shakedowns*, N.Y. TIMES, Feb. 2, 1994, at B3; Clifford Krauss, *Fourteen More Officers Arrested at a Shaken 30th Precinct*, N.Y. TIMES, Sept. 29, 1994, at A1; Clifford Krauss, *More Officers Caught in Stings, Police Say*, N.Y. TIMES, July 6, 1994, at B2; Clifford Krauss, *Three Officers Held in Police Sting After Robbery is Videotaped*, N.Y. TIMES, Mar. 19, 1994, at A1; Clifford Krauss, *Two Year Corruption Inquiry Finds a 'Willful Blindness' in New York's Police Dept.*, N.Y. TIMES, July 7, 1994, at A1; Joe Sexton, *New York Police Often Lie Under Oath, Report Says*, N.Y. TIMES, Apr. 22, 1994, at A1.

twenty years.³ That would be unfortunate. It could result in unwarranted cynicism. Rather, the facts support quite different conclusions.

The cycle has not been one of a recurring problem. Instead, it has been evolutionary. Police corruption of any dimension is a grave matter. Professor Egon Bittner of Brandeis University has described policing as a vocation of service to the poor.⁴ But unfortunately, because corrupt officers usually exploit the weakest among us—those whom they are sworn to protect—they thus deprive the weakest among us of their participation as full members of a government for the people. However, the gravity of corruption, both in extent and consequence, has generally been declining in the past century.⁵

As a police captain, I was assigned by a very able, dedicated Commissioner to develop the Department's first performance evaluation system for captains and higher ranking officers; sometimes referred to as the Executive Corps. After lunch one day, I was summoned to the office of the four-star chief, then called the chief inspector, to review the names and ratings of those recommended for promotion to the inspector and chief ranks. The process involved some mathematics, which began to test the chief's patience. As the afternoon wore on, he paused and said, "it must have been a lot easier to do this when city hall told you who to promote." What he meant by that statement was that when Mayor Robert Wagner⁶

3. Investigations of corruption in the New York City Police Department have taken place roughly every twenty years since 1895. See REP. AND PROC. OF THE SENATE COMM. APPOINTED TO INVESTIGATE THE POLICE DEP'T OF THE CITY OF N.Y. AS TRANSMITTED TO THE LEGISLATURE (Jan. 18, 1895) (Senator Clarence Lexow, Chair) [hereinafter LEXOW COMM'N REP.]; REP. OF THE SPECIAL COMM. OF THE BD. OF ALDERMEN OF THE CITY OF N.Y. TO INVESTIGATE THE POLICE DEP'T (June 10, 1933) (Henry H. Curran, Chair); FINAL REP. OF SAMUEL SEABURY, REFEREE, IN THE MATTER OF THE INVESTIGATION OF THE MAGISTRATE'S CTS. IN THE FIRST JUD. DEP'T AND THE MAGISTRATES THEREOF, AND OF ATTORNEY'S-AT-LAW PRACTICING IN SAID CTS. (March 28, 1932) (Samuel Seabury, Referee); INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE, 1951: HEARINGS BEFORE THE U.S. SENATE SPECIAL COMM. TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE (1951) (Senator Estes Kefauver, Chair) (testimony of Miles F. McDonald, Dist. Att'y, Kings County, N.Y., and Julius Helfand, Ass't Dist. Att'y, Kings County, N.Y.); REP. TO INVESTIGATE ALLEGATIONS OF POLICE CORRUPTION AND THE CITY'S ANTI-CORRUPTION PROC. (Dec. 26, 1972) (Whitman Knapp, Chair) [hereinafter KNAPP COMM'N REP.]; MOLLEN COMM'N REP., *supra* note 1.

4. See Egon Bittner, *Emerging Police Issues*, in LOC. GOV'T POLICE MGMT. 1, 9 (Bernard L. Garmin, ed., Int'l City Mgmt. Ass'n, 2d ed. 1982) (stating that police direct their attention to problems which are most often part of the lives of the poor).

5. See *id.* at 53 (explaining that police corruption is less common today than in the past).

6. Mayor of the city of New York from 1954-1965.

came into office in 1954, he gave the authority to his commissioners, which former mayors had often exercised themselves, to promote or demote above the civil service rank of captain.⁷ In my opinion, Mayor Wagner thus empowered the commissioners, then and since, in a great leap forward to control the Department. Using that power vigorously enables a commissioner to have a great impact on integrity, performance, and morale, as well as the ability to remove a level of potential corruption in the form of political favoritism.

Mayor Wagner's policy was a major turning point in the history of the Department's ability to bring corruption under control. He implemented the most fundamental change to permit a transition from systemic corruption to systemic integrity. Promotions above captain changed from politically-based to merit-based.⁸ Unfortunately, systemic corruption did not decline as a result of this alteration in the command structure.⁹ Management simply lacked the ability to know how to stop the long-established systems of corruption. It was not until a reform administration at the time of the Knapp Commission¹⁰ that a head-on attack against systemic corruption finally began to dismantle the long established systems of corruption.¹¹

Previously, many people who reached the civil service rank of captain sought improper political influence to obtain promotion, in all but a few units.¹² Organized corruption in the patrol division's gambling units was

7. See PATRICK V. MURPHY & THOMAS PLATE, *COMMISSIONER: A VIEW FROM THE TOP OF AMERICAN LAW ENFORCEMENT* 152 (1977) (explaining that Mayor Wagner gave the Police Commissioners a "free hand" in running the Police Department); see also Richard Reeves, *Mayor Claims Role Over Setting Policy in Police Matters*, N.Y. TIMES, Oct. 13, 1967, at A5 (stating that Mayor Wagner allowed Police Commissioner Adams to run assignments and promotions within the Police Department free from any influence from City Hall).

8. See *Influence is Out, Police Cautioned*, N.Y. TIMES, May 3, 1955, at 62 (stating that police promotions would be based on merit and not influenced by politics); see also *Adams Urges Ban on Police Politics*, N.Y. TIMES, March 9, 1955, at 29 (noting Mayor Wagner's policy of not interfering with the Police Department).

9. See MURPHY & PLATE, *supra* note 7, at 153; see also Gerald Caplan & Patrick V. Murphy, *Fostering Integrity*, in *LOC. GOV'T POLICE MGMT.* 241 (William A. Geller ed., 3rd ed. 1991) [hereinafter *Fostering Integrity*].

10. KNAPP COMM'N REP., *supra* note 3, at 1-244.

11. See M.A. Farber, *Decade After Knapp Inquiry, a Sense of 'Revolution' Pervades Police Force*, N.Y. TIMES, Nov. 29, 1982, at B1, B5 (finding that, since the Knapp Commission, there has been a profound change in the Police Department's attitude toward corruption—not only in senior police officials, but in officers on the streets).

12. See Bittner, *supra* note 4, at 53 (explaining that today fewer police officers are hired or promoted as result of political payoffs or outright payoffs).

lucrative.¹³ Sergeants' clubs in the precincts that collected street level gambling and liquor graft created a climate of corruption.¹⁴ I have been told that detective assignments were politically influenced at that time, and apparently at one point, you could buy such an assignment right in the office of the chief of detectives. Because of this, many able, dedicated captains never sought promotions that depended on political support.

Mayor Wagner's change worked fundamental improvements in combatting corruption.¹⁵ The ability to reward good work with high-level promotion enables a commissioner to motivate managers to raise standards of integrity. A commissioner's power to demote to captain motivates commanders to detect wrongdoing and to discipline offenders. However, this occurs only when a commissioner actually exercises the power. Unfortunately, some fine commissioners, while diligently depoliticizing the Executive Corps by attrition, did not hold commanders accountable for the continuing prosperity of plainclothes pads¹⁶ and precinct sergeants' clubs. Therefore, while in theory the change was a positive step, in application it had less than optimal results.¹⁷ This example of one way to combat corruption, and its lack of complete effectiveness, shows well the inherent difficulties with municipal management and of police departments in particular.

Administering a Police Department of more than 30,000 officers is a complex task and the problems of organization and management are enormous. Police administration could well be the most difficult and complex discipline within public administration. Outside oversight can indeed be helpful for these administrators. For example, the Mollen Commission has made a very valuable contribution to the problem of restoring the integrity of the Department and putting in place those devices that are necessary to maintain that integrity in the future.¹⁸

Community policing is one very important way of maintaining the integrity of the Police Department and preventing misconduct. It gives the people a role in protecting the community while establishing a very powerful relationship between the people and the police at the lowest level

13. KNAPP COMM'N REP., *supra* note 3, at 71.

14. *Id.*

15. See MURPHY & PLATE, *supra* note 7, at 153 (stating that there were no serious police corruption scandals under Mayor Wagner due in part to his reform policies).

16. KNAPP COMM'N REP., *supra* note 3, at 74 (explaining a system where plainclothes officers would collect regular payoffs from gamblers within their precinct or division).

17. MOLLEN COMM'N REP., *supra* note 1, at 77-79.

18. See Michael Gorman Whitestone, *Power to the Cop Monitor*, N.Y. NEWSDAY, Oct. 29, 1994, at A18 (supporting the idea of an outside monitoring agency).

of operations. In my opinion, community policing, done properly, would be one of the best possible oversight mechanisms you could have for the Police Department.

In 1990, Commissioner Lee Brown¹⁹ established experiments in the precincts at Canarsie²⁰ and Mill Basin,²¹ called "Cop of the Block."²² I will take a minute to describe that concept because I believe in it so much. It has been tried in this Department three or four other times.

The Cop of the Block program takes the officers assigned to a particular sector on a permanent basis (a sector is an area of about 10,000 people which has two officers in a typical patrol car) and divides the sector into eight or ten parts, so that each officer has an area of his own, a subsector, if you will, consisting of one or two blocks depending on population density.²³ The officer can then relate very closely with the people living in that area.

A number of departments around the country are experimenting with similar community policing programs.²⁴ Indeed, numerous departments are moving quite far ahead with the use of "resident police officers," where an officer will be offered a rent-free apartment in a public housing project and can live in the community.²⁵

Of course, community policing is not the whole answer; there are other key actors in this process. Many elements have to be in place and, in particular, community relations have to be established for things to work out. If any one of these elements is not in place, it can be a problem.

Obviously, the Mayor is a key actor. We must ask: Does the Mayor make integrity in the Police Department the highest priority? Mayors

19. Lee Brown was New York City Police Commissioner from Jan. 22, 1990, to Sept. 1, 1992.

20. New York City Police Department, 69th Precinct, Brooklyn, N.Y.

21. New York City Police Department, 63rd Precinct, Brooklyn, N.Y.

22. See Edmund Stubbing, *Don't Scrap the Squad Car*, N.Y. NEWSDAY, Sept. 20, 1990, at 58; see also Pamela Newkirk, *Police Announce Plan to Help Ease Crown Heights' Tensions*, N.Y. NEWSDAY, Oct. 11, 1991, at 26 (describing programs where officers are assigned to smaller sections of the community to police on foot, thus promoting closer police/community involvement).

23. See Stubbing, *supra* note 22 (describing the method for dividing the community among police officers).

24. See Eric Harrison, *Community-Based Policing Takes on New Meaning*, L.A. TIMES, Nov. 17, 1993, at A5; see also Kim Cobb, *Police Homestead Idea Sparks Interest*, HOUSTON CHRON., Dec. 19, 1993, at A1 (noting that police departments across the country give similar community policing programs various titles, such as, "resident police program" and "police homestead program").

25. See Harrison, *supra* note 24, at A5; see also Cobb, *supra* note 24, at A1.

have great pressures; as elected officials, they are involved in the political process every day. But do they say to the Commissioner: "Integrity in the Police Department is my highest priority and I will support you in every way to assure that it happens"?

I think that between the two ideas—one being that Commissioner Scoppetta²⁶ work for Mayor Giuliani directly, and the second being what the Mollen Commission proposed²⁷—frankly, I can see advantages and disadvantages in both. My own view is to hold the Mayor as fully accountable as possible. And under the arrangement with Commissioner Scoppetta, I think the Mayor is holding himself more fully accountable than he would with any other kind of an oversight body.

As for a permanent, ongoing panel to oversee corruption in the Police Department, I certainly understand, as both sides on this issue understand, that, with the current situation in New York City, and what has been revealed by the Mollen Commission, there is a very strong feeling that some kind of outside entity is necessary.²⁸ And I accept that; in fact, it's almost a political necessity right now.

What I would like to focus in on for a few minutes—as we read in the report about the culture of the Police Department—is the culture itself.

I prefer to look at the culture of the Executive Corps, because it is not as well understood. The Executive Corps consists of about 150 people, maybe a few more, who have achieved the civil service rank of captain and now serve in higher ranks: deputy inspectors, inspectors, deputy chiefs, assistant chiefs, three-star and four-star chiefs. They are the people who run the Department.

Obviously the Police Commissioner cannot run the Department alone. He depends on the people in the Corps. They are critical and can make

26. Nicholas Scoppetta, appointed by Mayor Rudolph Giuliani on February 28, 1995, to chair the Mayor's Commission to Combat Police Corruption.

27. The Mollen Commission's primary recommendation was for the formation of a "permanent, independent oversight body." However, the Commission Report also proposed:

improving screening and recruitment; improving recruit education and in-service integrity training; strengthening first-line supervision; reinventing the enforcement of command accountability; attacking corruption and brutality tolerance; challenging other aspects of police culture and conditions that breed corruption and brutality; strengthening intelligence-gathering efforts; preventing and detecting drug abuse; soliciting police union support for anti-corruption efforts; minimizing the corruption hazards of community policing; and legislative reforms.

MOLLEN COMM'N REP., *supra* note 1, at 7.

28. See *Don't Veto the Police Commission*, N.Y. TIMES, Dec. 22, 1994, at 18; see also Thomas D. Thatcher II, *How to Police the Police*, N.Y. TIMES, Aug. 1, 1994, at A15.

things happen. I am convinced that they can prevent corruption and be more effective in dealing with crime if they understand what is expected of them; if the Commissioner holds them accountable and gives them the means to prevent corruption.

Certainly, a commissioner does not want to be ruthless. None of us want to be cruel to the people we have worked with, with whom we went through the academy. But when one accepts the position of commissioner, that person's obligation is first to the people, then to the Department, and then to those great officers who go out on the street every night and day and risk their lives. I don't mean to be dramatic about it, but in 1971, I buried eleven officers killed by gunfire.

So the commissioner's loyalty to the "brass" of the Department should be very strong, but a commissioner is wise to put the "brass" in competition with one another—to tell the officers that, while they cannot all be made chiefs, they can compete and whoever can do the best job in reducing corruption in his area will be the one to get the prize.

Thus, while looking at the make up the Executive Corps is important, there are many other issues that remain. For most of the century the cause of police corruption was improper political interference in the Department.²⁹ But as it ended, corruption did not. Good management and strong leadership had virtually eliminated corruption for fifteen years. Weak leadership and poor management resulted in the return of corruption, but on a much smaller scale.³⁰ Less than ten percent of the precincts were affected, as compared to a much larger number before the 1970 reform.³¹

But, again, attempting to find the cause in a "conspiracy of silence" or a "culture of corruption" overlooks the reality of a culture of integrity when a commissioner believes in the honesty of a vast majority of officers

29. See IN THE MATTER OF THE INVESTIGATION OF THE DEP'TS OF THE GOV'T OF THE CITY OF N.Y.: INTERMEDIATE REP. (Hon. Samuel Seabury, Counsel) (Jan. 25, 1932); LEXOW COMM'N REP., *supra* note 3.

30. See Carlyle C. Douglas & Mary Connelly, *Rattling the Brass in Brooklyn's 77th*, N.Y. TIMES, Nov. 2, 1986, at D6; see also Leonard Buder, *Grand Jury Hears Evidence on Suspended Officers*, N.Y. TIMES, Oct. 4, 1986, at A28 (referring to the 1986 eruption of a corruption scandal involving 13 officers from the 77th Precinct—approximately 15 years after the commencement of the Knapp Commission investigation in 1970).

31. Compare MOLLEN COMM'N REP., *supra* note 1, at 11-14 (focusing on the corruption scandals in six out of the seventy-five New York City police precincts; noting, however, that the Commission is not able to produce a scientifically precise estimate of the extent of the corruption) with KNAPP COMM'N REP., *supra* note 3, at 1-5 (concluding that police corruption is widespread, based on information supplied by hundreds of sources within and without the Department, which information was consistent with the specific instances of corruption that the Commission was able to investigate).

and requires open and honest leadership at every level. When officers experience fairness and high standards, they gladly advise their supervisors confidentially of misconduct. Sergeants who are positive leaders relate well to their subordinates. In turn, those subordinates protect the sergeant from becoming the victim of a bad subordinate by informing him or her of any indication of corruption, brutality, or other significant lapses in integrity. The "blue wall"³² exists only when management surrenders to the very small percentage of criminals who slip through the elaborate screening process that selects only men and women who have lived exemplary lives for their first twenty or more years. An administrator who identifies a "culture of corruption" or a "conspiracy of silence" as the underlying cause of corruption is really admitting his own failure to prevent those problems through good management and strong leadership. Those failures expose tens of thousands of dedicated officers to the shame of having their department disgraced. Rather than empower the good people to participate in maintaining integrity, they are deprived of the opportunity by passively permitting criminals in uniform to operate as drug traffickers, shakedown artists, and brutal cops.

Preventing corruption is a complex problem in a large department; one that deserves significant research, debate, and attention. The Mollen Commission has done a fine job, but what we really need to ensure is leadership from the top in the area of integrity.

32. See *Fostering Integrity*, *supra* note 9, at 251 (noting the widespread unwillingness of officers to report misconduct of fellow officers, based on the pressure to conform and the officers' reliance on one another).